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ACTION ARA-14

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SP-02 SS-15 USIA-06 AID-05 ACDA-07 OMB-01 TRSE-00
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FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC 1040

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E.O. 11652: GDS
TAGS: PORG, SHUM, AR, US, EFIN
SUBJECT: GOA NOTES HUMAN RIGHTS IMPROVEMENTS

REF: (A) STATE 138380, (B) BUENOS AIRES 4444, (C) BUENOS AIRES 4483

SUMMARY: AS ANTICIPATED IN DEMARCHES BY MARTINEZ DE HOZ IN BUENOS AIRES (REFTEL B) AND AMBASSADOR AJA ESPIL IN WASHINGTON (REFTEL A), ARGENTINE OFFICIALS ANNOUNCED A NUMBER OF ACTIONS JUNE 14 THAT BEAR ON THE COUNTRY'S HUMAN RIGHTS IMAGE OVERSEAS. THESE ANNOUNCEMENTS INCLUDE THE RELEASE OF 342 PERSONS FROM EXECUTIVE CUSTODY, PROCESSING OF ALMOST 1,000 SUBVERSIVE CASES IN FEDERAL AND MINISTAR COURTS, POSSIBLE REINSTATEMENT OF THE CONSTITUTIONAL RIGHT OF OPTION TO LEAVE THE COUNTRY, AND BANNING OF TWO ISSUES OF A FAR RIGHT, RACIST MAGAZINE. WHILE THE ANNOUNCEMENTS IN THEMSELVES SHOW LITTLE BY WAY OF CERTIFIABLE SUBSTANTIVE CHANGE IN GOVERNMENT HUMAN RIGHTS PRACTICES, THE GOVERNMENT'S DECISION TO COMPILE EXAMPLES OF HUMAN RIGHTS IMPROVEMENTS DEMONSTRATES ITS RISING SENSITIVITY TO THE SERIOUSNESS OF THE U.S. HUMAN RIGHTS POSITION AND OUR ADVERSE VOTES IN INTERNATIONAL FINANCIAL INSTITUTIONS.
END SUMMARY

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1. AS NOTED IN REFTEL B, GOVERNMENT OF ARGENTINA'S (GOA'S) PRESENTATION OF HUMAN RIGHTS IMPROVEMENTS DEMONSTRATES BASICALLY FRIENDLY GESTURES AND INCREASED CONCERN ON THE PART OF GOA OFFICIALS TO MAINTAIN POSITIVE AND CONSTRUCTIVE RELATIONSHIP IN

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Department of State, AG/IS/PS/SP

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RESPONSE TO U.S. REPRESENTATIONS ON HUMAN RIGHTS QUESTION. THE LIST OF ACTIONS TAKEN, HOWEVER, SHOWS LITTLE SUBSTANTIVE CHANGE. AS ANTICIPATED, THE GOA ACTIONS AND COMMUNIQUE WERE RELEASED JUNE 14 AND PUBLISHED IN JUNE 15 PRESS.

2. AS A 15-DAY COMPENDIUM THE LISTING OF 342 PERSONS CITED AS NO LONGER BEING HELD AT THE DISPOSITION OF THE EXECUTIVE IS CONSIDERABLY LARGER THAN THE TYPICAL WEEKLY LISTS PUT OUT BY THE INTERIOR MINISTRY. FURTHER, THERE IS NO WAY IMMEDIATELY TO VERIFY THAT PERSONS LISTED HAVE ACTUALLY BEEN RELEASED. (MARTINEZ DE HOZ DID, HOWEVER, TELL CHARGE THAT THE PERSONS LISTED WERE DEFINITELY BEING PHYSICALLY RELEASED FROM DETENTION AND NOT JUST PASSED TO OTHER AUTHORITIES.)

3. AS FOR SPECIFIC CASES, THREE OF THE NAMES WERE FAMILIAR-- DAVID DIVINSKY AND HIS WIFE ANA MARIA MILER, BOOK PUBLISHERS LISTED AS RELEASED FROM EXECUTIVE CUSTODY FOR SUBVERSIVE CRIMES; AND JUAN CARLOS ROUSSELOT, LISTED AS RELEASED FROM CUSTODY FOR ECONOMIC CRIMES. AS OF JUNE 16, NEITHER MILER NOR DIVINSKY HAS YET BEEN RELEASED ACCORDING TO FAMILY FRIENDS. WE ARE TRYING TO VERIFY THESE CASES AS POSSIBLE INDICATORS AS TO USUAL FATE OF LISTED PERSONS. SINCE THE LISTS BEGAN BEING PUBLISHED WEEKLY IN JANUARY, WE HAVE VERIFIED AND REPORTED SEVERAL ACTUAL RELEASES, ALTHOUGH MANY EMBASSY SOURCES, INCLUDING VISITORS AND REPRESENTATIVES OF CHURCH AND HUMAN RIGHTS GROUPS, CLAIM THAT THE MAJORITY OF PERSONS LISTED REMAIN IN DETENTION. (THIS COULD RESULT PARTIALLY FROM DEFIANCE OF INTERIOR MINISTRY ORDERS, AND PARTLY FROM BUREAUCRATIC INCOMPETENCE OF FEDERAL AND MILITARY PRISON AUTHORITIES.)

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PERMANENT ASSEMBLY DIRECTOR JOSE WESTERKAMP (WHO HOSTED PATRICIA DERIAN'S MEETING WITH ASSEMBLY IN MARCH) TOLD EMBOFF ON JUNE 14 ABOUT THE PARTICULAR CASE OF A BOY JAILED WITH WESTERKAMP'S SON IN SIERRA CHICA PRISON WHOSE NAME HAS APPEARED TWICE ON THE RELEASE LISTS AND ONCE ON THE LIST OF PERSONS NEWLY DETAINED BY THE EXECUTIVE. THE BOY HIMSELF WAS NEVER INFORMED OF THE PUBLICATION OF ANY OF THE LISTS AND HIS STATUS AS A DETAINEE UNDER STATE OF SIEGE PROVISIONS HAS IN FACT REMAINED UNCHANGED FOR MORE THAN ONE YEAR.

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4. THE INTERIOR MINISTRY STATEMENT THAT 667 SUBVERSIVE CASES HAVE BEEN REMANDED TO THE FEDERAL COURTS (WITH 327 SENTENCES PASSED) AND 305 CASES SENT TO SPECIAL MILITARY COURTS MARTIAL. (WITH 158 SENTENCES HANDED DOWN) APPEARED IN PRESS WITHOUT NAMES OR COMMENTARY. AS VERY FEW OF THESE TALKS AND SUBSEQUENT SENTENCING HAVE BEEN REPORTED IN THE PRESS OR INDEPENDENTLY CONFIRMED BY EMBOFFS, WE CANNOT COMMENT ON THE SIGNIFICANCE OF THE ANNOUNCEMENT.

5. PRESIDENT VIDELA'S REPORTED INSTRUCTIONS TO AUTHORITIES TO ANALYZE THE REINSTATEMENT OF THE SUSPENDED CONSTITUTIONAL OPTION FOR PERSONS BEING HELD UNDER STATE OF SIEGE PROVISIONS TO LEAVE THE COUNTRY RECALLS HIS EARLIER APPOINTMENT OF A COMMISSION CHAIRED BY INTERIOR MINISTER HARGUINDEGUY TO REVIEW THE SUSPENSION LAST APRIL. AS A RESULT OF THE COMMISSION'S DELIBERATIONS AT THAT TIME, LEGISLATION WAS PASSED TO EXTEND THE SUSPENSION FOR ANOTHER 150 DAYS BEGINNING MAY 1, 1977. IT IS NOT YET KNOWN WHETHER THE PRESIDENT'S STATEMENTS MEAN THE OPTION WILL BE CONSIDERED MORE FAVORABLY IN THE NEAR FUTURE OR WILL ACTUALLY BE REINSTATED BEFORE THE PRESENT 150 DAYS SUSPENSION IS UP IN SEPTEMBER.

6. GOA SUSPENSION OF THE DISTRIBUTION, SALE, AND CIRCULATION OF THE MAY-JUNE CABILDO ISSUE NO. 8 WAS OF INTEREST. THE MAGAZINE

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WAS ACCUSED OF "PROPAGATING IDEOLOGICAL-RACIAL CONFLICT IN

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OPPOSITION TO THE NATION'S OBJECTIVES." THE DECREE FURTHER PROHIBITED THE PRINTING AND CIRCULATION OF THE JULY ISSUE AND "ANY OTHER THAT ATTEMPTS TO REPLACE IT." THE BAN DOES NOT, HOWEVER, AFFECT THE MAGAZINE'S ADMINISTRATIVE OR PUBLISHING CAPACITY BEYOND THE TWO ISSUES, AND THIS SHORT TERM SUSPENSION DOES LITTLE TO UNDO THE STRIDENT ANTI-SEMITIC RHETORIC OF THE APRIL CABILDO, ISSUE NO. 7. IT WAS THIS WHICH PROMPTED PROTESTS BY JEWISH GROUPS IN ARGENTINA AND OCCASIONED LOCAL AND INTERNATIONAL PRESS COMMENTARY (SEE BA 3370 AND 3631).

7. COMMENT: THIS FLURRY OF STATEMENTS TO THE PUBLIC ON HUMAN RIGHTS WAS UNDERTAKEN WITH THE SPECIFIC PURPOSE OF INFLUENCING THE U.S. VOTE ON TWO LARGE BANK LOANS OF PARTICULAR IMPORTANCE TO THIS COUNTRY. THE GOVERNMENT-INTERVENED LA OPINION ON JUNE 16 FLATLY STATED THAT THE GOVERNMENT'S RECENT ACTIONS WERE "SIGNIFICANT MEASURES TO COUNTERACT ACCUSATIONS FROM ABROAD AND IMPROVE THE COUNTRY'S IMAGE OVERSEAS". (NO OTHER PAPER HAS COMMENTED EDITORIALY ON THE GOVERNMENT'S ANNOUNCEMENTS TO DATE.) OF INTEREST, IS WHETHER THIS INITIATIVE WAS NOTHING MORE THAN WARMED OVER STATISTICS AND SMOKESCREEN GESTURES OR WHETHER SOME NEW ELEMENT HAS BEEN ADDED TO ARGENTINE EFFORTS IN THIS FIELD. OUR CONCLUSION AFTER STUDYING THIS LATEST "EVIDENCE"--MUCH LIKE OUR INITIAL IMPRESSIONS REPORTED IN REF B--IS THAT THE INITIATIVE IS HOLLOW FROM THE SUBSTANTIVE SIDE, BUT INTERESTING AND ENCOURAGING IN WHAT IT DEMONSTRATES ABOUT RISING ARGENTINE BUREAUCRATIC SENSITIVITY CONCERNING THE SERIOUSNESS OF THE U.S. HUMAN RIGHTS POSITION.
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